

**SOULARD SECOND STREET, L.L.C.  
112 South Hanley Road, Suite 100  
St. Louis, MO 63105**

January 13, 2021

**RECEIVED**

**FEB 25 2021**

**ECAD/102780**  
**Air**

Director, Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219  
**VIA FEDERAL EXPRESS**

SWH Investments II, LLC  
c/o Environmental Operations, Inc.  
1530 South Second Street, Suite 200  
St. Louis, MO 63104  
**VIA FEDERAL EXPRESS**

Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176  
**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

RCRA



**Re: Compliance Report**  
Monsanto – John F. Queeny Plant  
St. Louis, Missouri  
Environmental Covenant dated as of April 12, 2018, recorded on April 26, 2018  
in the Office of the Recorder of Deeds, City of St. Louis in Book 04262018, Page  
0043 (“Environmental Covenant”)

Dear Sir or Madam:

This Compliance Report is being provided to you in accordance with Section 7 of the Environmental Covenant. Soulard Second Street, L.L.C. (“Soulard Second”), is the owner of the parcel of land set forth on Appendix A attached (the “Site”), located within the former Monsanto – John F. Queeny Plant. This Compliance Report verifies that the activity and use limitations imposed by the Environmental Covenant were in place and that Soulard Second has complied with the activity and use limitations for the Site during the calendar year 2020.

This Compliance Report documents the following activities:

1. In accordance with Section 2(a) of the Environmental Covenant, Soulard Second is not using the Site for residential purposes. Soulard Second completed construction of a 155,305 square foot industrial warehouse building on the Site and the continued use will be industrial.
2. In accordance with Section 2(b) of the Environmental Covenant, Soulard Second submitted a notification to EPA dated September 23, 2019 stating that construction activities may involve penetration of a groundwater-bearing unit containing

contaminants. The notification is attached as Appendix B. Construction activities have been on-going throughout 2020. No groundwater was consumed or used for any purpose, no wells have been installed by Soulard Second, and no wells are present.

3. Section 2(c) of the Environmental Covenant requires notification to EPA or MDNR at least 30 days prior to soil disturbance activities. Notification was submitted to EPA on March 7, 2019 prior to the start of soil disturbance activities and site grading and construction activities continued throughout 2020. The notification is attached as Appendix C.
4. In accordance with Section 2(d) of the Environmental Covenant, Soulard Second has provided construction workers with a copy of the Environmental Covenant and has implemented a Soil Management Plan to protect workers and contractors conducting excavations and related activities. The Soil Management Plan is attached as Appendix D.
5. In accordance with Section 2(e) of the Environmental Covenant, Soulard Second has installed a vapor intrusion mitigation system in the building that complies with the requirements of the Administrative Settlement Agreement and Covenant Not to Sue entered into between Soulard Second and U.S. EPA as of April 12, 2019. Documentation of the vapor intrusion mitigation system will be included in the Final Report that will be submitted to EPA within the next week or two.

Soulard Second certifies as follows:

I certify that to the best of my knowledge, after thorough evaluation of appropriate facts and information, the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please address any inquiries to Joseph P. Downs at (314) 930-2004. Thank you.

**Soulard Second Street, L.L.C.**  
By: Opus Development Company, L.L.C.,  
Its Sole Member



Joseph P. Downs  
Executive Vice President

Attachments: Appendix A – Site figure  
Appendix B – Notification dated September 23, 2019  
Appendix C – Notification dated March 7, 2019  
Appendix D – Soil Management Plan

**APPENDIX A**  
**Site Figure**


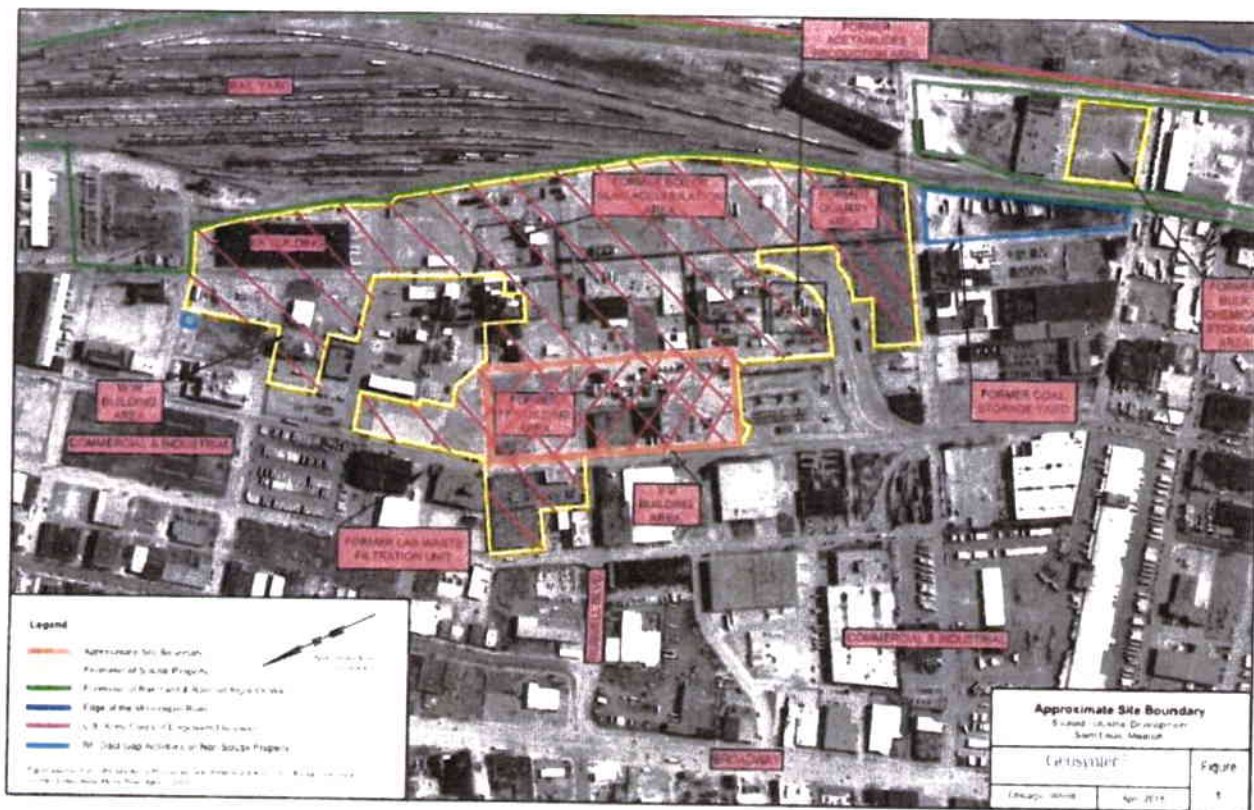
**RECEIVED**

**FEB 25 2021**

**ECAD/**~~**01/27/21**~~

Air

## APPENDIX A

 Facility
**Property**

## **APPENDIX B**

**Notification dated September 23, 2019**

**SOULARD SECOND STREET, L.L.C.  
112 South Hanley Road, Suite 210  
St. Louis, MO 63105**

September 23, 2019

Director, Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219

Re: Solutia – John F. Queeny Plant  
St. Louis, Missouri  
Environmental Covenant dated as of April 12, 2018, recorded on April 26, 2018  
in the Office of the Recorder of Deeds, Carpenter County, Missouri in Book  
04262018, Page 0043 ("Environmental Covenant")

Dear Sir or Madam:

Soulard Second Street, L.L.C. ("Soulard Second") is the owner of a parcel of land located within the former Solutia – John F. Queeny Plant delineated on Appendix A.

The site is currently under construction of a 155,305 square foot industrial warehouse building. As required by the Environmental Covenant, paragraph 2.b(ii), this letter provides notification that construction activities may involve penetration of a groundwater-bearing unit containing contaminants.

Please address any questions or response to the undersigned.

Thank you.

Sincerely,

**Soulard Second Street, L.L.C.,**  
By Opus Development Company, L.L.C.,  
Its Sole Member

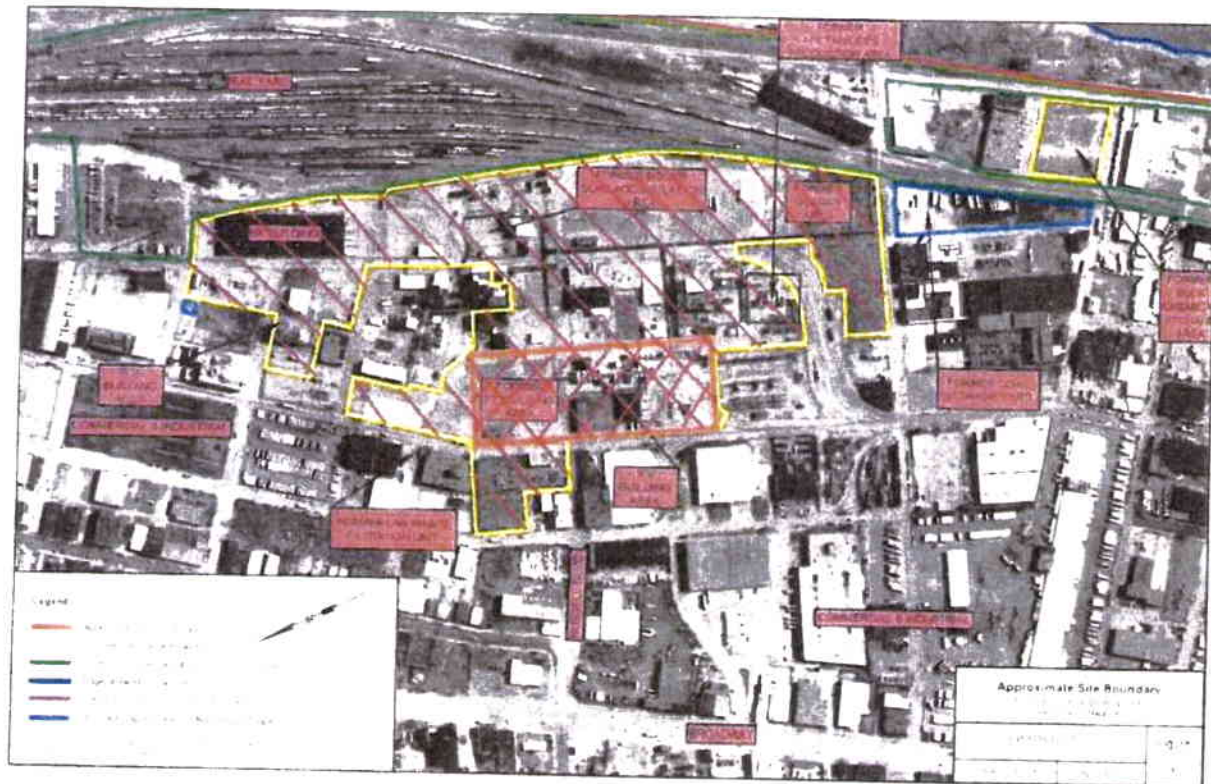


Joseph P. Downs  
Executive Vice President

Attachment: Appendix A

**VIA FEDERAL EXPRESS**

## APPENDIX A



Facility

Property

## **APPENDIX C**

**Notification dated March 7, 2019**



March 7, 2019

Director, Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, KS 66219

Re: Solutia – John F. Queeny Plant  
St. Louis, Missouri  
Environmental Covenant Dated as of April 12, 2018, Recorded on April 26, 2018  
in the Office of the Recorder of Deeds, Carpenter County, Missouri in Book  
04262018, Page 0043 (“Environmental Covenant”)

Dear Sir or Madam:

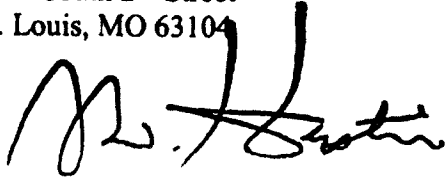
SWH Investments II, LLC (SWH) and Soulard Second Street, L.L.C. (Soulard Second) are providing notice of a proposed soil disturbance exceeding 12 inches in depth as required by paragraph 2(c) of the Environmental Covenant and request EPA's written approval prior to the start of construction. Soulard Second has entered into a contract to purchase a portion of the former Solutia – John F. Queeny Plant (“Facility”). The site figure, Attachment A delineates the property to be purchased (the “Site”), which is located within the Facility. The Site is comprised of 8.3 acres of the approximately 30-acre Facility.

Under the sale agreement SWH has certain obligations for preparing the site for construction of a proposed 155,305 square foot industrial warehouse building. Following those activities Soulard Second will complete the construction. Therefore, this notification is to satisfy the obligation of both parties under the requirements of the environmental covenant and prevent potential delays in site development as ownership of the property changes.

In addition this letter provides notification that on September 24 and 25, 2018 Soulard Second's consultant, SCI Engineering, Inc., performed a geotechnical investigation on the subject parcel. The location of the soil borings are shown on Attachment B. This work was inadvertently performed without prior notice and approval by EPA as required under the Environmental Covenant.

Please address your response to the undersigned.

Sincerely,  
SWH INVESTMENTS II  
1530 South 2<sup>nd</sup> Street  
St. Louis, MO 63104

A handwritten signature in black ink, appearing to read "Stacy W. Hastie". The signature is fluid and cursive, with a large initial "S" and "H".

Stacy W. Hastie

SOULARD SECOND STREET, L.L.C.  
By: Opus Development Company, L.L.C.  
112 South Hanley Road, Suite 210  
St. Louis, MO 63105

A handwritten signature in black ink, appearing to read "Joseph P. Downs". The signature is cursive and somewhat stylized, with a large initial "J".

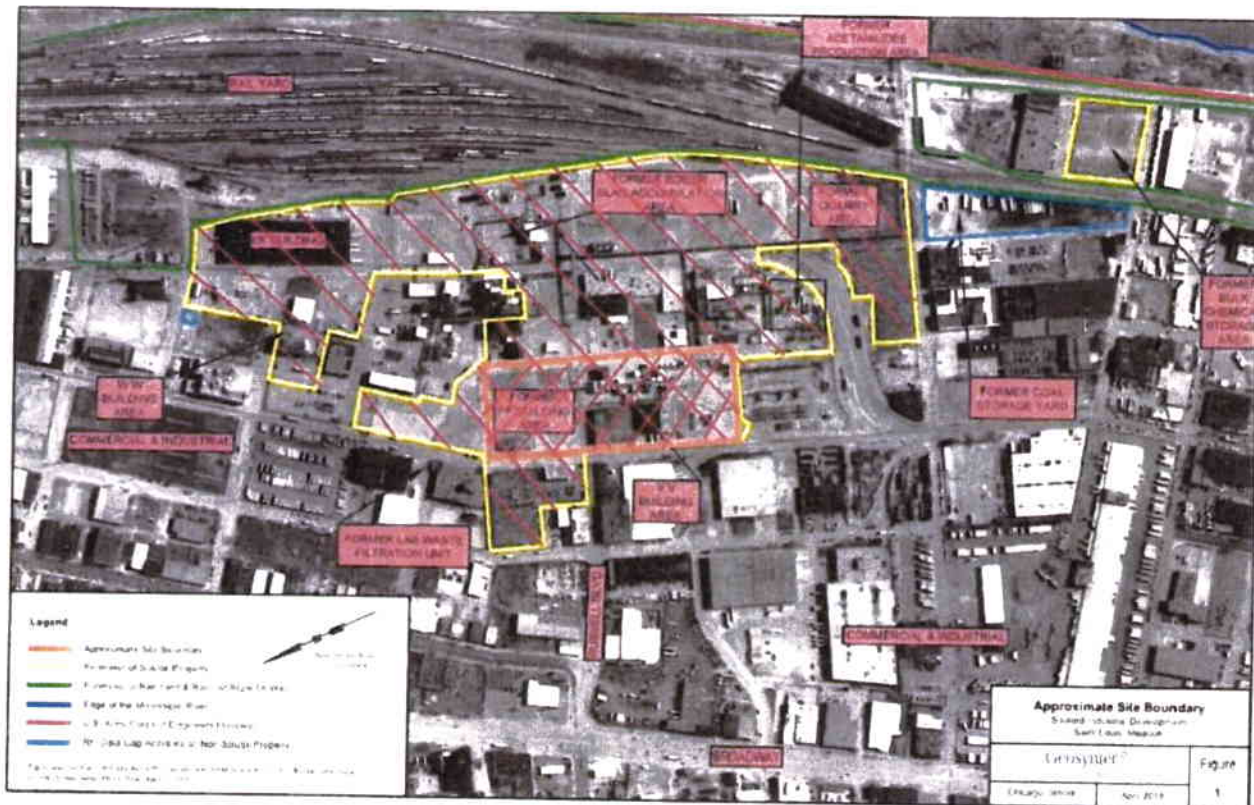
Joseph P. Downs  
Vice President

Attachments: A – Site Figure  
B – Location of Geotechnical Borings

## **ATTACHMENT A**

### **Site Figure**

## APPENDIX A



Facility



Property

## **ATTACHMENT B**

### **Location of Geotechnical Borings**



|                     |  |   |  |                  |                 |                   |                    |
|---------------------|--|---|--|------------------|-----------------|-------------------|--------------------|
|                     |  | PROJECT NAME<br>NEW ORLEANS WATER & SEWER PROJECT<br>STATION 10+00 TO 10+50 |  | DATE<br>11/16/01 | DRAWN BY<br>JLM | CHECKED BY<br>JLM | SCALE<br>1" = 100' |
|                     |  | PROJECT NUMBER<br>10-0000   |  |                  |                 |                   |                    |
| SHEET NUMBER<br>1-3 |  | TOTAL SHEETS<br>10  |  | DATE<br>11/16/01 |                 | DRAWN BY<br>JLM   |                    |

**BOOK      PAGE**  
**04262018-0043**

**RECORDER OF DEEDS**  
**CITY OF ST. LOUIS**  
**RECORDED-CERTIFIED ON**  
**04/26/2018 8:59 AM**

**SHARON QUIGLEY-CARPENTER**  
**RECORDER OF DEEDS**

**PAGES: 15**  
**AMOUNT DUE: 93.00**  
**4980413**  
**THIS DOCUMENT WAS RECORDED**

APPENDIX B

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(ABOVE SPACE RESERVED FOR RECORDER'S USE)

**Document Title:**      Environmental Covenant

**Document Date:**      April 12, 2018

**Grantor:**              SWH Investments II, LLC  
                              c/o Environmental Operations, Inc.  
                              1530 South Second Street, Suite 200  
                              St. Louis, MO 63104

**Grantee:**              SWH Investments II, LLC  
                              c/o Environmental Operations, Inc.  
                              1530 South Second Street, Suite 200  
                              St. Louis, MO 63104

**Department:**        U.S. Environmental Protection Agency  
                              11201 Renner Boulevard  
                              Lenexa, KS 66219

**Legal Description:**   See attached Exhibit A



## **ENVIRONMENTAL COVENANT**

This Environmental Covenant ("Covenant") is entered into by and between the Grantor, SWH Investments II, LLC ("Owner"), a Missouri limited liability company, the Grantee, SWH Investments II, LLC ("Holder"), and the U.S. Environmental Protection Agency ("EPA" or "Department") pursuant to the Missouri Environmental Covenants Act ("MoECA"), Sections 260.1000 through 260.1039, RSMo. Owner, Holder, and the Department may collectively be referred to as the "Parties" herein.

## **RECITALS**

WHEREAS, Owner has fee simple title to certain real property located in the City of St. Louis, Missouri, which consists of property that formerly comprised the J. F. Queeny Facility. This facility is currently subject to a hazardous waste management facility storage and incinerator permit issued to Monsanto Company on November 8, 1989 (Permit No. MOD004954111) by the Missouri Department of Natural Resources ("MDNR") pursuant to the Missouri Hazardous Waste Management Law and implementing regulations, and a corrective action permit issued (same date and permit number) to Monsanto-John F. Queeny Plant by EPA pursuant to the Resource Conservation and Recovery Act and implementing regulations. This property is legally described in Exhibit A (the "Property");

WHEREAS, Owner desires to grant to Holder this Covenant, as provided in MoECA, subjecting the Property to certain activity and use limitations for the purpose of ensuring the protection of human health and the environment by minimizing the potential for exposure to contamination that remains on the Property and to ensure that the Property is not developed, used, or operated in a manner incompatible with the environmental response project implemented at the Property;

WHEREAS, on September 30, 2009, Owner, Environmental Operations, Inc. ("EOI"), and EPA entered into an Administrative Order on Consent ("AOC") for the performance of an environmental response project at the Property. This AOC is on file with the EPA Region 7 Hearing Clerk under Docket No. RCRA-07-2009-0015. Pursuant to this AOC, Owner and EOI agreed, and were ordered, to, among other things, conduct Interim Measures at the Property in accordance with the schedule and requirements of an EPA-approved Interim Measures Work Plan ("IMWP") which was incorporated into and enforceable as an element of the AOC. In summary and in pertinent part, the EPA-approved IMWP required Owner and EOI to perform, at a minimum, the following tasks:

- a. The excavation and proper disposal of all soils contaminated with polychlorinated biphenyls ("PCBs") at levels exceeding 100 parts per million ("ppm") in the area of the former VV Building located on the Property. This also includes disposal sampling, verification sampling and backfilling the area of excavation to surface grade using clean materials;
- b. Based on verification sampling, after the excavation of soils exceeding 100 ppm, and fill of excavated areas, Owner and EOI were required to delineate all soil



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areas associated with the former VV Building area which have PCBs remaining at concentrations greater than 10 ppm, and install a cap over these areas (constructed in accordance with the approved IMWP);

- c. The installation of monitoring wells in the former VV Building area to demonstrate that PCB contamination in soils has not migrated to groundwater;
- d. The installation of multiple temporary injection wells at the former FF Building located on the Property, with wells in the Former Bulk Chemical Storage Area ("FBCSA") and Acetanilides Production Area; and
- e. The injection of oxidation reagents into the temporary injection wells described above for the purpose of chemically destroying source material in the capillary fringe and upper saturation zone to enhance the long-term biodegradation of volatile organic compounds ("VOCs").

WHEREAS, upon completion of the environmental response project described above, certain contaminants of concern will remain on the Property above levels that allow for the unrestricted use of the Property; and

WHEREAS, the environmental response project described above is deemed protective if, and only if, the activity and use limitations described in this Covenant remain in place for as long as the contaminants of concern remain at the Property above levels that allow for the unrestricted use of the Property.

NOW THEREFORE, Owner, Holder, and EPA as the "Department" as defined at Section 260.1003(3) of MoECA, agree to the following:

**1. Parties.**

The Owner, Holder, and EPA are parties to this Covenant, and may enforce it as provided in Section 260.1030, RSMo.

**2. Activity and Use Limitations.**

Owner hereby subjects the Property to, and agrees to comply with, the following activity and use limitations:

- a. **No Residential Land Use** - Based on reports on file at EPA's offices in Lenexa, Kansas and MDNR's offices in Jefferson City, Missouri, the Property currently meets EPA's and MDNR's standards for non-residential use. Therefore, contaminants of concern remaining at the Property do not pose a significant current or future risk to human health or the environment so long as the following restrictions remain in place. The Property shall not be used for residential purposes, which for purposes of this Covenant include, but are not limited to: single family homes, duplexes, multi-plexes, apartments, condominiums, schools, retirement or

senior/child care facilities, or any land use where persons can be expected to reside.

- b. **No Drilling or Use of Groundwater** - Based on reports on file at EPA's offices in Lenexa, Kansas and MDNR's offices in Jefferson City, Missouri, contaminants of concern remain in groundwater in one or more zones beneath the Property at levels exceeding Maximum Contaminant Levels ("MCLs") set forth in the Safe Drinking Water Act, 42 U.S.C. §§ 300j-26, and regulations promulgated thereunder at 40 C.F.R. Part 141. The MCLs are the maximum permissible levels of contaminants in water which is delivered to any user of a public water system. Therefore, in addition to any applicable state or local well use restrictions, the following restrictions shall apply to the Property:
- (i) Groundwater from the Property shall not be consumed or otherwise used for any purpose, except as approved by EPA or MDNR for the collection of samples for environmental analysis purposes, collection or treatment of groundwater for remedial purposes, or collection or treatment of groundwater as part of excavation or construction activities;
  - (ii) There shall be no drilling or other artificial penetration of any groundwater-bearing unit(s) containing contaminants, unless Owner/Transferee has notified EPA or MDNR at least 30 days prior to such activity and
  - (iii) Installation of any new groundwater wells on the Property is prohibited, except for wells used for investigative, monitoring, and/or remediation purposes installed in accordance with a work plan approved by EPA or MDNR.
- c. **Disturbance of Soil** - Based on reports on file at EPA's offices in Lenexa, Kansas and MDNR's offices in Jefferson City, Missouri, the contaminants of concern remaining at the Property exceed EPA's and MDNR's standards for non-residential use and construction worker exposure, but do not pose a significant current or future risk to human health or the environment with respect to non-residential uses of the Property so long as the soil is not disturbed such that exposure may result. Therefore, soil at the Property shall not be excavated or otherwise disturbed in any manner except for minor excavations (surface to 12 inches in depth) without the prior written approval of EPA or MDNR. If an Owner/Transferee desires to disturb soil at the Property, then such Owner/Transferee shall submit a notification to EPA or MDNR at least 30 days before the soil disturbance activities are scheduled to begin. Based on the potential hazards associated with the soil disturbance activities, EPA or MDNR may deny the request to disturb the soils or may require specific protective or remedial actions before allowing such soil disturbance activities to occur. Contaminated soil may be disturbed if necessary during an emergency (such as water or

gas main break, fire, explosion or natural disaster), in which case the Owner/Transferee shall ensure that notification is provided to EPA or MDNR orally or in writing as soon as practicable, but no later than 48 hours after the disturbance begins. Any contaminated soil disturbed as part of an emergency response action must be returned to its original location and depth, or properly characterized, managed and disposed of, in accordance with all applicable local, state, and federal requirements. Within 30 days after such emergency has been abated, the Owner/Transferee shall provide a written report to EPA or MDNR describing such emergency and any response actions.

- d. **Construction Worker Notice** - In the event that construction or excavation work is to be performed that may expose workers to contaminated soil on the Property, Owner/Transferee shall ensure that actual notice is provided in advance, both orally and in writing, to any person or entity performing any work that will or is likely to result in exposure to such soil, so that appropriate protective measures are taken to protect such workers' health and safety in accordance with applicable health and safety laws and regulations. Such notice shall include, but not be limited to, providing a copy of this Covenant to any individuals conducting or otherwise responsible for the work. Owner/Transferee shall maintain copies of any such written notice for a period of at least 3 years, and shall provide copies of such records to EPA or MDNR upon request.
- e. **Vapor Intrusion** - Prior to the commencement of construction, the need for vapor barriers and vapor intrusion mitigation systems will be evaluated by EPA on any future buildings constructed on the Property in order to address potential exposures through vapor intrusion until such time as groundwater concentrations have decreased to levels that no longer pose a vapor intrusion threat. EPA evaluation will not be required on future construction with planned vapor intrusion mitigation systems and vapor barriers. Should EPA determine that vapor intrusion may pose a potential threat to occupants of a planned building, a vapor barrier and/or vapor intrusion mitigation system will be installed on such building. In addition, an indoor air and vapor intrusion mitigation system monitoring plan subject to EPA approval will be developed and implemented for the building.

If any person desires in the future to use the Property for any purpose or in any manner that is prohibited by this Covenant, EPA and the Holder must be notified in advance so that an Amendment, Temporary Deviation, or Termination request can be considered as described below. Further analyses and/or response actions may be required prior to any such use.

### 3. **Running with the Land.**

This Covenant shall be binding upon Owner and Owner's successors, assigns, and other transferees in interest (collectively referred to as "Transferees") during their

period of ownership (except that the obligation described below in paragraph 17 to re-direct any misdirected communication shall continue beyond an Owner/Transferee's period of ownership), and shall run with the land, as provided in Section 260.1012, RSMo, subject to amendment or termination as set forth herein. The term "Transferee(s)," as used in this Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees (subject to applicable lender liability protections prescribed by law), easement holders, and/or lessees.

**4. Location of Files and Records.**

Records of this environmental response project for the Property are currently located at EPA's offices in Lenexa, Kansas and MDNR's offices in Jefferson City, Missouri. Information regarding the environmental response project may be obtained by making a request to EPA pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, or to MDNR pursuant to the Missouri "Sunshine Law", Chapter 610, RSMo. Requests should reference the site identification name of "Monsanto – John F. Queeny Plant, MOD004954111."

**5. Enforcement.**

Compliance with this Covenant may be enforced as provided in Section 260.1030, RSMo. MDNR (and any successor agencies) is expressly granted the power to enforce this Covenant. Failure to timely enforce compliance with this Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Covenant shall restrict any person from exercising any authority or rights under any other applicable law.

In addition to or in lieu of any other remedy authorized by law, prior to taking legal action to enforce this Covenant, EPA may require Owner/Transferee to submit a plan to investigate and/or correct any alleged violation of this Covenant, in which case EPA will provide written notification to the Holder. If such Owner/Transferee fails to act within the required timeframe or if EPA finds a proposed remedy unacceptable, EPA may pursue any remedy authorized by law. In such event, EPA will provide written notification to the Holder, prior to or contemporaneously with any legal action taken to enforce this Covenant. Should MDNR decide to exercise its right to enforce this Covenant, MDNR shall so notify EPA and Holder at least 30 calendar days in advance of taking formal action to do so.

**6. Right of Access.**

Owner, on behalf of itself and any Transferees, hereby grants to the Holder, EPA, and MDNR and their respectively authorized agents, contractors, and employees, the right to access the Property at all reasonable times for implementation, monitoring, inspection, or enforcement of this Covenant and the related environmental response project. Nothing herein shall be deemed to limit or

otherwise impede EPA's or MDNR's rights of access and entry under state or federal law or agreement.

**7. Compliance Reporting.**

Owner/Transferee shall submit to the Holder, EPA, and MDNR by no later than January 31<sup>st</sup> of each year, documentation verifying that the activity and use limitations imposed hereby were in place and complied with during the preceding calendar year. The Compliance Report shall include the following statement, signed by Owner/Transferee:

I certify that to the best of my knowledge, after thorough evaluation of appropriate facts and information, the information contained in or accompanying this submission is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

In the event that an Owner, Transferee, or Holder becomes aware of any noncompliance with the activity and use limitations described in paragraph 2 above, such person or entity shall notify all other Parties to this Covenant in writing as soon as possible, but no later than 10 business days thereafter.

**8. Additional Rights.  
Reserved.**

**9. Notice upon Conveyance.**

Each instrument hereafter conveying any interest in the Property, or any portion of the Property, shall contain a notice of the activity and use limitations set forth in this Covenant, and provide the recording reference for this Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN  
ENVIRONMENTAL COVENANT, DATED \_\_\_\_\_, 2018,  
RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF  
THE CITY OF ST. LOUIS, MISSOURI, ON \_\_\_\_\_, 2018, AS  
DOCUMENT \_\_\_\_, BOOK \_\_\_\_, PAGE \_\_\_\_.

Owner/Transferee shall notify the Holder, EPA, and MDNR within 10 days following each conveyance of an interest in any portion of the Property. The notice shall include the name, address, and telephone number of the Transferee, and a copy of the deed or other documentation evidencing the conveyance.

**10. Representations and Warranties.**

Owner hereby represents and warrants to the Holder and EPA that:

- a. Owner has the power and authority to enter into this Covenant, to grant the rights and interests herein provided and to carry out all of Owner's obligations hereunder; and
- b. this Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

**11. Amendments, Termination, and Temporary Deviations.**

This Covenant may be amended or terminated by approval of EPA, Holder, and the current Owner/Transferee of record at the time of such amendment or termination, pursuant to section 260.1027, RSMo. Any other Parties to this Covenant hereby waive the right to consent to any amendment to, or termination of, this Covenant. Following signature by all requisite persons or entities on any amendment or termination of this Covenant, Owner/Transferee shall record and distribute such documents as described below.

Temporary deviations from the obligations or restrictions specified in this Covenant may be approved by EPA in lieu of a permanent amendment to this Covenant. Owner/Transferee may submit a written request to EPA to temporarily deviate from specified requirements described herein for a specific purpose and timeframe. Any such request shall be transmitted to the Holder and EPA as described below. The request must specifically invoke this paragraph of this Covenant, fully explain the basis for such temporary deviation, and demonstrate that protection of human health and the environment will be maintained. EPA will evaluate the request and convey approval or denial in writing. Owner/Transferee may not deviate from the requirements of this Covenant unless and until such approval has been obtained.

**12. Severability.**

If any provision of this Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

**13. Governing Law.**

This Covenant shall be governed by and interpreted in accordance with the laws of the State of Missouri.

**14. Recordation.**

Within 30 days after the date of the final required signature upon this Covenant or any amendment or termination thereof, Owner shall record this Covenant with the appropriate recorder of deeds for each city or county in which any portion of the

Property is situated. Owner shall be responsible for any costs associated with recording this Covenant.

**15. Effective Date.**

The effective date of this Covenant shall be the date upon which the fully executed Covenant has been recorded with the office of the recorder of each city or county in which the Property is situated.

**16. Distribution of Covenant.**

Within 30 days following the recording of this Covenant, or any amendment or termination of this Covenant, Owner/Transferee shall, in accordance with Section 260.1018, RSMo, distribute a file- and date-stamped copy of the Covenant as recorded with the appropriate recorder of deeds (including book and page numbers) to: (a) each of the Parties hereto; (b) each person holding a recorded interest in the Property, including any mortgagees or easement holders; (c) each person in possession of the Property; (d) each municipality or other unit of local government in which the Property is located; (e) MDNR; and (f) any other person designated herein.

**17. Contact Information.**

Any document or other item required by this Covenant to be given to another party hereto shall be sent to:

**If to Owner/Transferee:**

SWH Investments II, LLC  
c/o Environmental Operations, Inc.  
1530 South Second Street, Suite 200  
St. Louis, MO 63104

**If to EPA:**

Director, Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

**If to MDNR:**

Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

The Owner/Transferee, Holder, EPA, or MDNR may change their designated recipient of such notices by providing written notice of the same to each other. If any notice or other submittal under this Covenant is received by a former

Owner/Transferee who no longer has an interest in the Property, then such former Owner/Transferee shall notify EPA, Holder, MDNR, and the current Owner/Transferee of the Property regarding the misdirected communication.

**18. Reservation of Rights.**

This Covenant is a necessary component of the environmental response project described above. Nothing in this Covenant shall be construed so as to relieve any Owner/Transferee from the obligation to comply with this Covenant during their period of ownership, or the obligation to comply with any other source of law. This Covenant is not a permit, nor does it modify any permit, order, agreement, decree, or judgment issued under any federal, State, or local laws or regulations, and EPA does not warrant or aver in any manner that an Owner/Transferee's compliance with this Covenant will constitute compliance with any such requirements. EPA and MDNR reserve all legal and equitable remedies available to enforce this Covenant or any other legal requirement. Nothing herein shall be construed so as to prevent EPA, Holder, or MDNR from taking any independent actions as allowed by law.



Page 10 of 11

The undersigned represent and certify that they are authorized to sign this Covenant on behalf of their respective Parties.


IT IS SO AGREED:

FOR SWH INVESTMENTS II, LLC, a Missouri Limited Liability Company

By: [Signature] Date: 4/3/18  
Name (print): STACY W. HASTIE  
Title: Manager  
Address: 1530 S. SECOND STREET  
ST. LOUIS MO 63104

STATE OF MISSOURI )  
CITY OF SAINT LOUIS )

On this 3<sup>rd</sup> day of April, 2018, before me a Notary Public in and for said state, personally appeared Stacy W. Hastie, the Manager of SWH Investments II, LLC, a Missouri limited liability company, known to me to be the person who executed the within Environmental Covenant on behalf of said limited liability company and acknowledged to me that he/she executed the same for the purposes therein stated.

Bridget A. Dunn  
  
BRIDGET A. DUNN  
My Commission Expires  
August 14, 2021  
St. Louis County  
Commission #05439901  
Commission #05439901

Bridget A. Dunn  
Notary Public

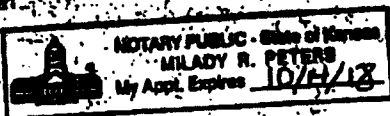
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**FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY**

By: Becky Weber Date: 4-12-18  
Becky Weber, Director  
Air and Waste Management Division  
U.S. Environmental Protection Agency, Region 7  
11202 Renner Boulevard  
Lenexa, KS 66219

STATE OF Kansas )  
COUNTY OF Johnson )

On this 12th day of April, 2018, before me a Notary Public in and for said state, personally appeared Becky Weber (or her designee), Director of the Air and Waste Management Division of the U.S. Environmental Protection Agency, Region 7, known to me to be the person who executed the within Covenant on behalf of said agency and acknowledged to me that she/he executed the same for the purposes therein stated.



Milady R. Peters  
Notary Public

## Attachment A – Legal Description

TWO TRACTS OF LAND BEING ALL OF LOTS 2 AND 3 OF SOULARD BUSINESS PARK, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 02212018, PAGE 0124 OF THE ST. LOUIS CITY, MISSOURI RECORDS, SAID TRACTS BEING SITUATED IN ALL OR PARTS OF ST. LOUIS CITY BLOCKS 714, 720, 723, 724, 733, 735, 738, 872 AND 6501 INCLUSIVE OF THOSE STREETS AND ALLEYS VACATED THEREIN AND BEING INCLUSIVE OF ALL OF TRACT I-IIB OF KOSCIUSKO SUBDIVISION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 34 PAGE 13 OF THE ST. LOUIS CITY RECORDS, AND A PART OF LOT 1 OF A SUBDIVISION OF CITY BLOCK 714 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 60 PAGE 41 OF THE ST. LOUIS CITY RECORDS, ALL IN THE CITY OF ST. LOUIS, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LESPERANCE STREET, 50' WIDE, VACATED BY ST. LOUIS CITY ORDINANCE NUMBER 51744 WITH THE EASTERN LINE OF THIRD STREET, 60 FEET WIDE; SAID POINT BEING THE NORTHWEST CORNER OF TRACT I-IIB OF KOSCIUSKO SUBDIVISION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 34 PAGE 13 OF THE ST. LOUIS CITY RECORDS; THENCE WITH THE NORTH LINE OF SAID KOSCIUSKO SUBDIVISION AND BEING THE NORTH LINE OF LESPERANCE STREET, SOUTH 67°00'08" EAST A DISTANCE OF 342.06 FEET TO THE CENTERLINE OF SECOND STREET, 60' WIDE, VACATED BY ST. LOUIS CITY ORDINANCE NUMBER 55641; THENCE ALONG SAID CENTERLINE SOUTH 38° 50' 39" WEST 10.63 FEET TO A POINT ON THE WESTERN PROLONGATION OF THE SOUTH LINE OF LOT B OF THE SUBDIVISION OF BLOCK 714 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 03292005 PAGE 480 OF THE ST. LOUIS CITY RECORDS; THENCE DEPARTING THE VACATED CENTERLINE OF SECOND STREET WITH THE SOUTH LINE OF SAID LOT B OF SAID SUBDIVISION OF BLOCK 714, SOUTH 66°54'54" EAST 394.21 FEET TO A POINT, THENCE ALONG THE NORTHWEST LINE OF SAID LOT B, SOUTH 23°28'24" WEST 197.61 FEET TO THE SOUTHWEST CORNER OF SAID LOT B; THENCE ALONG THE SOUTH LINE OF SAID LOT B, SOUTH 67°30'32" EAST 19.09 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DEKALB STREET, VACATED BY ORDINANCE NO.S 43004, 50258 AND 68500; THENCE ALONG LAST SAID EAST VACATED RIGHT-OF-WAY LINE OF DEKALB STREET, SOUTH 23° 23' 25" WEST, 742.80 FEET; THENCE DEPARTING LAST SAID EAST VACATED RIGHT-OF-WAY LINE, SOUTH 67° 05' 23" EAST, 371.08 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF KOSCIUSKO STREET, 60 FEET WIDE, VACATED BY ORDINANCE NO. 57176 AND 50258; THENCE ALONG LAST SAID EAST



VACATED RIGHT-OF-WAY LINE, NORTH 22° 54' 19" EAST, 261.39 FEET TO A POINT; THENCE DEPARTING LAST SAID EAST VACATED RIGHT-OF-WAY LINE, NORTH 73° 51' 48" EAST, 390.38 FEET TO A POINT ON THE SOUTH LINE OF RUSSELL AVENUE, 50 FEET WIDE, VACATED BY ORDINANCE NO. 50258; THENCE ALONG LAST SAID SOUTH VACATED RIGHT-OF-WAY LINE, SOUTH 66° 56' 57" EAST, 56.15 FEET TO A POINT ON THE WEST LINE OF MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY; THENCE WITH THE SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 18°52'52" WEST 305.91 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 680.00 FEET, AN ARC DISTANCE OF 173.54 FEET TO A POINT OF TANGENCY; THENCE SOUTH 33°30'12" WEST 857.68 FEET TO THE CENTERLINE OF BARTON (66' WIDE) STREET; THENCE WITH THE SAID CENTERLINE OF BARTON STREET AND THE SOUTH LINE OF THAT PART OF BARTON STREET VACATED BY ST. LOUIS CITY ORDINANCE NUMBER 57176, NORTH 67°00'08" WEST 218.34 FEET TO A POINT; THENCE NORTH 22° 59' 52" EAST 33.00 FEET ALONG THE WEST LINE OF SAID BARTON STREET VACATION TO THE NORTH LINE OF SAID BARTON STREET; THENCE ALONG SAID NORTH LINE OF BARTON STREET, NORTH 67° 00' 08" WEST 400.17 FEET TO A CROSS FOUND FOR THE INTERSECTION OF THE NORTH LINE OF BARTON STREET AND THE CENTERLINE OF DEKALB STREET, 60 FEET WIDE, BEING THE SOUTHWEST CORNER OF THAT PART OF DEKALB STREET VACATED BY ST. LOUIS CITY ORDINANCE NUMBER 45381; THENCE ALONG SAID CENTERLINE OF SAID DEKALB STREET VACATION, NORTH 23° 08' 39" EAST 162.50 FEET TO THE INTERSECTION OF THE CENTERLINE OF SAID DEKALB STREET WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO THE MANUFACTURERS RAILWAY COMPANY RECORDED AS DAILY NUMBER 104 ON JANUARY 7, 1946 IN THE ST. LOUIS CITY RECORDS; THENCE, DEPARTING THE CENTERLINE OF SAID DEKALB STREET AND ALONG THE SOUTH, EAST AND NORTH LINES OF SAID MANUFACTURERS RAILWAY TRACT, THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 67°00'05" EAST 185.50 FEET, THENCE NORTH 23°17'27" EAST 78.00 FEET, THENCE SOUTH 67°00'04" EAST 185.70 FEET TO THE CENTERLINE OF KOSCIUSKO STREET, 60 FEET WIDE, VACATED BY ST. LOUIS CITY ORDINANCE NUMBER 57176; THENCE ALONG SAID CENTERLINE, BEING THE EAST LINE OF SAID MANUFACTURERS RAILWAY TRACT, NORTH 23°26'15" EAST 259.77 FEET; THENCE NORTH 66°33'45" WEST 30.00 FEET TO THE WEST LINE OF VACATED KOSCIUSKO STREET; THENCE, CONTINUING WITH THE NORTH LINE OF SAID MANUFACTURERS RAILWAY TRACT, SOUTH 53°18'35" WEST 30.12 FEET TO A POINT OF CURVATURE; THENCE SOUTHWARDLY WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 320.00 FEET, AN ARC DISTANCE OF 240.07 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 67°00'02" WEST 113.69 FEET TO THE NORTHWEST CORNER OF SAID MANUFACTURERS RAILWAY COMPANY TRACT AND BEING ON THE EAST LINE OF DEKALB STREET, 60 FEET WIDE; THENCE WITH THE SAID EAST LINE OF DEKALB STREET, NORTH 23°08'39" EAST 224.00 FEET TO AN ANGLE POINT AND NORTH 23°23'25" EAST 166.44 FEET TO THE SOUTHERN POINT OF DEKALB STREET AND SOUTH TRUDEAU STREET VACATION BY ST. LOUIS CITY ORDINANCE NUMBER 68500 AND AS RECORDED IN DEED BOOK 09302010 PAGE 81 OF THE ST. LOUIS CITY RECORDS; THENCE WITH THE SOUTH LINE OF SAID VACATION AND THE CENTERLINE OF A 20 FOOT WIDE ALLEY IN ST. LOUIS CITY BLOCK 733, NORTH 67°05'23" WEST 373.80 FEET TO A POINT ON THE EAST LINE OF SECOND STREET (60 FEET WIDE); THENCE WITH THE EAST LINE OF SAID SECOND STREET, NORTH 22°48'53" EAST A DISTANCE OF 599.98 FEET TO AN ANGLE POINT AND NORTH



22°51'00" EAST A DISTANCE OF 19.91 FEET TO THE SOUTH EAST CORNER OF THAT PART OF SECOND STREET AS VACATED BY ST. LOUIS CITY ORDINANCE 55841 AND THE EASTERLY PROLONGATION OF RUSSELL STREET; THENCE WITH THE SOUTH LINE OF SAID VACATED SECOND STREET AND THE NORTH LINE OF RUSSELL STREET, NORTH 66°59'53" WEST A DISTANCE OF 216.18 FEET TO THE SOUTHEAST CORNER OF TRACT I-IIA OF KOSCIUSKO SUBDIVISION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 34 PAGE 13 OF THE ST. LOUIS CITY RECORDS; THENCE WITH THE EAST AND NORTH LINES OF TRACT I-IIA, NORTH 23°01'48" EAST 192.42 FEET AND NORTH 67°03'03" WEST 156.50 FEET TO THE AFORESAID EAST LINE OF THIRD STREET; THENCE ALONG SAID EAST LINE, NORTH 23°01'48" EAST 155.67 FEET TO A POINT OF CURVATURE; THENCE NORTHWARDLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET, AN ARC DISTANCE OF 43.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,114,760 SQUARE FEET OR 25.59 ACRES, MORE OR LESS, ACCORDING TO A SURVEY BY THE STERLING COMPANY DURING THE MONTH OF MAY 2008 UNDER ORDER NUMBER 08-03-050.

**ALSO**

A TRACT OF LAND BEING A PART OF CITY BLOCK 872, IN THE CITY OF ST. LOUIS, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF FIRST (106' WIDE) STREET AND THE NORTH LINE OF VICTOR (60' WIDE) STREET THENCE WITH THE EAST LINE OF SAID FIRST STREET, NORTH 33°06'49" EAST 281.25 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO RHINO ENTERPRISES RECORDED ON 07/28/98 WITH A DAILY NUMBER 215; THENCE DEPARTING THE EAST LINE OF FIRST STREET WITH THE SOUTH LINE OF RHINO ENTERPRISES TRACT, SOUTH 52°08'36" EAST 301.44 FEET TO A POINT ON THE WEST LINE OF WHARF AS DESCRIBED IN ORDINANCE NO. 5403; THENCE WITH THE WEST LINE OF SAID WHARF, SOUTH 33°13'02" WEST 268.82 FEET AND SOUTH 37°29'40" WEST 12.35 FEET TO THE NORTH LINE OF AFORESAID VICTOR STREET; THENCE WITH THE SAID NORTH LINE, NORTH 52°08'36" WEST 300.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 84,412 SQUARE FEET (1.9378 ACRES), MORE OR LESS, ACCORDING TO A SURVEY BY THE STERLING COMPANY DURING THE MONTH OF MAY 2008.

**APPENDIX D**  
**Soil Management Plan**

*Prepared for:*  
**SOULARD Second Street, LLC**

# **SOIL MANAGEMENT PLAN**

**Soulard Industrial Development  
201 Russell Boulevard  
St. Louis, MO**

*Submitted by*

**Geosyntec**   
consultants

engineers | scientists | innovators

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Project No. CHE8381

February 11, 2019

# **SOIL MANAGEMENT PLAN**

**Soulard Industrial Development  
St. Louis, Missouri**

*Prepared for:*  
**Soulard Second Street, LLC**

*Prepared by:*  
**Geosyntec Consultants, Inc.**



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## **SECTION 1**

### **SOIL MANAGEMENT PLAN**

This Soil Management Plan will be implemented for the initial development of the proposed industrial warehouse and shall be utilized for any subsequent excavation work. The plan, prepared by Geosyntec Consultants (Geosyntec) for Soulard Second Street, LLC (SSS), is intended to protect all workers and contractors conducting excavations and related activities and to serve as an institutional control requiring such protection as part of the Soulard Industrial Development Property, located at 201 Russell Boulevard, St. Louis, Missouri (the “Site”) as described in United States Environmental Protection Agency’s (USEPA) Environmental Covenant for the John F. Queeny Plant (Site) (USEPA, 2018A; **Figure 1**). The 8.3-acre area of the Site is roughly bounded by the former location of Lesperance Street to the north, South 2nd Street to the west, South Trudeau Street to the south, and DeKalb Street to the east. The Site is currently being considered for redevelopment by constructing an approximate 155,000 square foot slab-on-grade distribution warehouse with accompanying loading docks and vehicle parking spaces. The plan also provides guidance for management of excavated soil, including soil characterization, transportation, and disposal.

#### **1.1 Background**

Certain elements of this section of the Soil Management Plan (i.e., Plan) are based on the current understanding of the proposed building at the Site, as well as the type of occupancy (warehouse work) of the proposed building. This section of the Plan should be updated if changes to the Building construction or occupancy occur subsequent to the date of this Plan.

#### **1.2 Objectives**

Soil underlying portions of the Soulard Industrial Development contains chemicals of interest (COIs) at concentrations that may require (i) implementation of supplemental safety procedures to protect workers performing excavation and related activities and (ii) specific soil management activities. The soil impacts are legacy impacts of the John F. Queeny Plant, as described in Section 1.3.

The objective of this Plan is to establish:

- A Site facility contact for notification and planning of excavation activities;
- Areas of the Site facility that require additional safety and soil management procedures;
- Potential COIs that may be present in the soil, foundation materials, or debris;
- Excavation safety procedures associated with soil, foundation materials, or debris potentially impacted by COIs; and

- Soil, foundation materials, and debris management procedures.

### 1.3 Contaminants of Concern

From the time that manufacturing operations began at the site, the J. F. Queeny Plant manufactured over 200 products using over 800 raw materials. The major products have included, but are not limited to, the following: process chemicals such as maleic anhydride, fumaric acid, toluene, sulfonic acid, and plasticizers such as phthalate esters and toluene sulfonamides; synthetic functional fluids such as Pydrauls, Skydrols, and coolanols; food and fine chemicals such as salicylic acid, aspirin, methyl salicylate, benzoic acid, and ethavan; and agricultural chemicals such as Lasso (i.e., acetanilides or alachlor). As a result of numerous facility investigations over the last four decades, four primary areas of concern associated with chemical releases to the environment were identified (USEPA, 2018B). Two of the four primary areas are within the footprint of the Site.

A Human Health Risk Assessment (HHRA) was prepared for this facility in 2015. That HHRA considered prior property use, potential future property use, and the data generated from prior groundwater sampling events as the rationale for conducting an updated, focused HHRA. No ecological risk assessment was prepared for this facility due to a lack of suitable habitat for potential ecological receptors. Estimates of cancer risk were expressed as the probability of an individual developing cancer over a lifetime as a result of exposure to a carcinogenic contaminant. Remediation was considered to be required if the estimated cancer risk from cumulative exposure to facility-related contaminants was greater than 1 excess cancer case out of 10,000 people (referred to as a  $1 \times 10^{-4}$  risk). Remediation was not considered to be necessary if the cumulative cancer risk was less than 1 excess cancer case in 1,000,000 people (referred to as the de minimis risk level or a  $1 \times 10^{-6}$  risk). Estimated cumulative cancer risks that fall between  $1 \times 10^{-4}$  and  $1 \times 10^{-6}$  were said to be within the “target risk range,” and the need for remediation was to be determined on a case-by-case basis.

In general, estimates of health risks from contaminant toxicity are developed for those contaminants that are not carcinogens and for the non-carcinogenic health effects of carcinogens. This estimate is called a “hazard index” and is the ratio of estimated daily intake of a contaminant to a reference dose that has no observed health effects. A hazard index of 1 (or less than 1) for individual chemicals and a cumulative “hazard quotient” of 1 (or less than 1) for combinations of chemicals is generally considered to be safe.

Based on previous studies of this site, two areas of concern have been identified, which are further described below and are referenced on **Figure 2**.

- **FF Building Area:** The area associated with the FF Building includes the footprint of the former building (an area of approximately 150 feet by 75 feet) and the surrounding area, including a former underground storage tank. The ground covering in this area is asphalt and crushed and compacted stone. This area is currently not in use, and no buildings are located in the area. Soil and groundwater are contaminated with multiple volatile organic

compounds; benzene, chlorobenzene, ethylbenzene, tetrachloroethene, toluene, trichloroethene, vinyl chloride, and xylene (total). Based on the HHRA as earlier described, the FF Building Area has an Industrial/Commercial hazard quotient of 29 and 1.5 for construction worker.

- **VV Building Area:** The VV Building Area structure served as the production area known as “Central Drumming.” Activities at this location involved the unloading and bulk storage of a wide variety of liquid materials and the repackaging of these materials or a blend of these materials into smaller quantities (i.e., quarts, gallons, and 5-gallon containers). The VV Building Area included a railcar unloading area where PCB formulations were unloaded and pumped into storage prior to repackaging for shipment. This area is primarily paved, with some of the area being covered with gravel and a rail spur. Extensive removal of soil contaminated with PCBs has previously been performed at the VV Building Area. PCBs remain in soil at concentrations below 100 milligrams per kilogram at the VV Building Area, and future site use restrictions included in the Environmental Covenant are proposed as a component of the final remedy for this area. The former VV Building location is included in the area to be covered by the PCB engineering barrier.

#### **1.4 Site Contacts and Notification**

Prior to excavating soil, foundation materials, or debris on the Site, the responsible staff directing the excavation project, and/or the excavation contractor, should notify the Soulard Second Street, LLC Director of Environmental Risk. The address and phone number for the appropriate facility contact is provided below.

**Soulard Second Street, LLC Contact:**

Ms. Margaret Knowlton  
Director, Environmental Risk  
Soulard Second Street, LLC  
10350 Bren Road West  
Minnetonka, MN 55343  
Office Phone: 952.656.4683  
Mobile Phone: 952.564.1441

**Environmental Consultant:**

Mr. Kenneth Mika, P.E. (MI and WI)  
Project Engineer  
Geosyntec Consultants  
10600 N Port Washington Rd #100  
Mequon, WI 53092  
Office Phone: 262.834.0233  
Mobile Phone: 414.731.3111

**Project Manager:**

Mr. Mark Winschel  
Director, Project Management  
Opus Design Build, LLC  
112 S Hanley Rd., Floor 1 Suite 100  
St. Louis, MO 63105  
Office Phone: 314.930.2002  
Mobile Phone: 314.707.9653

**MDNR:**

Christine Kump-Mitchell  
Missouri Department of Natural Resources  
Hazardous Waste Program  
P.O. Box 176  
Jefferson City, MO 65102-0176  
Office Phone: 314.416.2464  
E-mail: christine.kump@dnr.mo.gov

## **SECTION 2**

### **EXCAVATION SAFETY PROCEDURES**

General safety practices should be used by all workers when working within the Site boundaries. This Plan does not supersede the safety requirements set forth in the Occupational Safety and Health Administration's (OSHA's) Safety and Health Regulations for Construction (29 Code of Federal Regulations [CFR] Part 1926) (USEPA, 2018C), specifically Subpart P – Excavations, hazardous waste operation regulations (29 CFR 1910.120) (USEPA, 2018D), safety and health regulations for construction (29 CFR 1926), state and local regulations, applicable Missouri Department of Natural Resources (MDNR) and USEPA guidance, and site-specific health and safety plans. Site personnel or contractors completing excavation work should adhere to OSHA requirements and their own health and safety plan developed specifically for the project scope and in accordance with their health and safety program.

#### **2.1 General Safety Protocols**

As general guidance, when conducting excavation activities workers should focus attention on actions that reduce the likelihood of soil ingestion, inhalation, and dermal exposure. Additionally, activities should minimize uncontrolled transport of soil away from the excavation area. Workers should adhere to the following general protocols:

1. Smoking, eating, drinking, chewing gum, etc., in the work area should be avoided. Hand-to-mouth activity increases the potential for ingestion of constituents present in the soil.
2. Hands and faces should be washed before eating, drinking, or smoking to minimize the potential to ingest constituents present in the soil.
3. Avoid skin contact with the soil by wearing appropriate personal protective equipment (PPE) (see section 2.2). Wash any soiled exposed areas with soap and water.
4. Avoid generating and breathing visible airborne dust during construction activities. Wetting the soil surface is an acceptable method of minimizing dust generation and dust masks may be worn by workers.
5. Be observant of discolored or odorous soil. If soil is emitting odor, additional health and safety procedures may be required to address air quality monitoring and worker safety.

6. Avoid inadvertently carrying soil away from the excavation area to other on-site or off-site areas. Ensure that boots, tools, excavation equipment, and trucks are clean prior to leaving the excavation area.
7. Secure excavations at the end of the day or any time the excavation is left unattended with fencing and signage to disallow access by unauthorized persons. Excavations should be backfilled as soon as possible.

## **2.2 Personal Protective Equipment**

Workers should wear personal protective equipment (PPE) required by their own health and safety plan and best practices. The following additional PPE should be worn to protect workers from COIs that may be present in soil:

1. Chemical resistant gloves – Gloves are meant to prevent dermal contact with soil and may be worn beneath work gloves. Acceptable glove materials include latex, nitrile, polyvinyl chloride (PVC), and rubber. These gloves may be worn beneath work gloves that may be required by other health and safety protocols.
2. Safety glasses/goggles – Glasses or goggles should be used to minimize soil particles contacting the eyes.
3. Disposable chemical resistant coveralls – If worker physical contact with soil is expected, disposable coveralls (i.e. Tyvek suits) should be worn to prevent dermal contact and keep personnel from transporting soil off-site on clothing.
4. Dust masks – Control measures should be used to eliminate dust; however, if there is the potential for dust generation, workers should wear dust masks to prevent inhalation of potentially impacted soil.

## **SECTION 3**

### **SOIL MANAGEMENT**

This Soil Management Plan will be implemented for the initial development of the proposed industrial warehouse and shall be utilized for any subsequent excavation work. Soil management planning will include arrangements for staging, characterization, and disposal, as described below. Soil management is required for any soil, foundation materials, and buried materials that are excavated on Site. Soil management is required whether soil is planned to be returned to the excavation or removed off site. Excavated soil, foundation materials, and debris will either be: 1) properly managed onsite, 2) managed on a different property of the John F. Queeny Plant properties covered under the same Environmental Covenant, and/or 3) disposed of offsite dependent on the contaminant levels and regulatory requirements. Soil and foundation materials are expected to be returned to the excavation that they are removed from. If soil and/or foundation materials are to be used offsite on a different property of the John F. Queeny Plant properties covered under the same Environmental Covenant, alternative sampling and acceptance criteria are applicable if the soils and foundation materials come from the PCB engineered barrier areas. This assessment will be managed by the Environmental Consultant.

#### **3.1 Soil Staging**

Soil from the same excavation may be staged as a single pile or direct loaded to be hauled off site. Soil from the PCB engineered barrier areas will be staged together and soils from other areas will be staged separately. Excavated soil should be handled in accordance with the following general protocols:

1. The soil pile should be away from areas where routine facility operation would put workers in contact with soil. Furthermore, soil should not be staged near surface water features such as storm drains or other water conveyance features.
2. When possible, soil should be containerized. For smaller volumes soil may be staged in steel drums or roll-off containers. Larger volumes should be staged on plastic sheeting.
3. If feasible soil should be covered with tarps or plastic sheeting to prevent exposure to precipitation and wind.
4. Soil should not be transported off-site for the purposes of staging except by a certified contractor as described in Section 4.3.

### **3.2 Foundation Materials**

Foundation materials may be found on site that were not previously anticipated. Foundation materials may either be hauled offsite for disposal or may be crushed and reused at one of the other properties apart of the J.F. Queeny Plant. Foundation materials may be staged as a single pile or direct loaded to be hauled off site. Foundation materials from separate areas excavated in the same construction activity may be staged together if the Environmental Consultant has determined they are likely impacted by the same COIs. In all other instances, foundation materials from separate excavations should be staged separately. Excavated foundation materials should be handled in accordance with the following general protocols:

1. Foundation materials should be away from areas where routine facility operation would put workers in contact with the foundation materials. Furthermore, foundation materials should not be staged near surface water features such as storm drains or other water conveyance features.
2. If feasible, foundation materials should be covered with tarps or plastic sheeting to prevent exposure to precipitation and wind.
3. Foundation materials should not be transported off-site for the purposes of staging except by a certified contractor as described in Section 4.3.

### **3.3 Management of Unexpected Subsurface Conditions**

Unexpected conditions may occur during excavation activities. When an unexpected condition occurs, soil-disturbing activities in the immediate area of the discovery shall immediately cease upon the discovery of unexpected subsurface conditions including the following:

1. Drums, underground storage tanks, piping, sumps, etc.
2. Suspect regulated materials (e.g. suspect asbestos containing debris)
3. Significant uncharted utilities or subsurface obstructions/features

Notify the Environmental Consultant and MDNR immediately of the encounter of unexpected subsurface conditions.

### **3.4 Surface Water Management**

During construction activities where impacted soil is exposed, the Contractor should take care of preventing surface water accumulation on or around the impacted soil. Construction activities shall be sequenced to limit the amount of impacted soil exposed at one time and berms shall be constructed around excavation areas to prevent surface water from flowing over impacted soil.



## **SECTION 4**

### **INSPECTION, SAMPLING, AND CHARACTERIZATION**

Inspection and sampling should be conducted for characterization for offsite reuse and disposal by the Environmental Consultant. Soils, foundation materials, and debris that are to be reused offsite shall meet all regulatory requirements. If soils, foundation materials, and debris are slated for offsite disposal, the Environmental Consultant shall confirm with the disposal facility on its own requirements for characterization for acceptance, and the facility will be consulted prior to sampling.

#### **4.1 Analytical Data Requirements**

For offsite reuse sampling, if disposal sampling is time-sensitive and the disposal facility cannot be contacted, at a minimum the following parameters will be analyzed:

- Target Analyte List (TAL) Metals
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Paint Filter test
- Closed Cup Flashpoint
- Toxicity Characteristic Leaching Procedure (TCLP) Metals
- TCLP Volatile Organic Compounds (VOCs)
- TCLP Semivolatile Organic Compounds (SVOCs)
- Aroclor Polychlorinated Biphenyls (PCBs)
- Extractable Organic Halides (EOX)
- pH
- Total Cyanide
- Reactive Sulfide
- Total Phenols

#### **4.2 Representative Sample Collection**

General guidance for development of a sampling strategy will be in general conformance with ASTM Standard D6009-12. Samples will be representative of all staged soil and therefore should be composite samples. Composite samples will include both surface grabs and soil collected across the entire depth profile using a hand auger or shovel that are mixed until visually homogeneous. The number of samples collected from staged soil is at the discretion of the disposal site and Environmental Consultant.

As a general guideline, multiple representative samples will only be collected if staged soil may be reasonably segregated for disposal should sampling indicate different disposal classifications and handling are required. The number of samples will depend on the volume of soil generated or the overall area of the excavation, heterogeneity of soil, evidence of COIs, and soil source.

- **Volume/Area** – This Plan does not provide a sample per unit volume of soil criteria for characterization. If staged soil is homogenous and cannot be segregated by other methods, as few samples as possible will be collected. Multiple samples will be collected if, to spatially characterize the soil pile, numerous aliquots (greater than five) are required and effective homogenization of aliquots is unreasonable.
- **Heterogeneity** – If staged soil displays distinctly different characteristics (e.g. a portion of the excavated area consisted of urban fill material and a portion consisted of native soil), distinctly different material may be characterized by individual samples.
- **Evidence of COIs** – Material that was segregated due to evidence of COIs (e.g. staining and/or odor) will be sampled independent of other staged waste soil.
- **Soil Source** – Soil that was generated from two separate areas will be characterized independently.
- All samples will be placed immediately on ice and shipped to the selected certified laboratory for the required analysis under proper chain-of-custody procedures.

#### **4.2.1 Representative Foundation Materials Inspection and Sample Collection**

Foundation materials that are removed to allow for future site development will be inspected and documented upon discovery. Foundation materials will be handled based upon their location relative to PCB-impacted soils. There are two different methods for managing foundation materials on site, which are further defined below.

##### ***4.2.1.1 Foundation Materials in PCB-Impacted Soil Areas***

For foundation materials found in the areas of PCB-impacted soils (**Figure 3**), the development of a sampling strategy will be in general conformance with 40 CFR 761. The following is the procedure for sampling foundation materials in PCB-impacted soil areas:

- Foundation materials that are able to be sampled in situ will be sampled in a grid pattern at sampling points approximately 4.5 feet apart in general accordance with 40 CFR 761.283.
- For foundation materials that are not able to be sampled in situ, stock piles will be created by the contractor. Prior to removing the foundation material from in situ, the contractor will document approximate depth, length, and width of the foundation material. The Environmental Consultant will use that information to determine the appropriate number of samples as if the foundation was sampled in a grid pattern at sampling points approximately 4.5 feet apart in general accordance with 40 CFR 761.283.

- Bulk samples will be collected in general accordance with 40 CFR 761.286 using a hammer drill equipped with a 1-inch diameter masonry bit (approximately 3-inch deep “cores” drilled at each concrete bulk sample location). Bulk samples from four adjacent grid locations will be composited into 1 composite sample.
  - If foundation materials are sampled ex situ, bulk samples will be collected in general accordance with 40 CFR 761.286 using a hammer drill equipped with a 1-inch diameter masonry bit (approximately 3-inch deep “cores” drilled at each concrete bulk sample location). If the foundation material is not able to be sampled using a hammer drill equipped with a 1-inch diameter masonry bit to depth of approximately 3 inches, a chisel may be used to generate the bulk sample.
- Duplicate composite samples will be collected on a frequency of 1 per 10 samples.
- One hexane blank sample will be submitted for each sampling event.
- Concrete composite samples will be placed in laboratory-supplied containers and in a cooler with ice for submittal to the laboratory.

Based on the sampling results, below are the possible scenarios for foundation materials in PCB-impacted soil areas:

- All samples of the specific foundation materials that come back as non-detect and up to 10 ppm are approved per the Environmental Covenant (USEPA, 2018B) to be used offsite on a different property of the John F. Queeny Plant properties covered under the same Environmental Covenant. These foundation materials will be crushed and used as fill.
- Any samples of the specific foundation materials that come back between 10 ppm to 100 ppm will be crushed and used as fill in the area of the engineered cap or may be hauled to an approved solid waste disposal facility based upon the facility’s approval requirements.
- Any samples per the specific foundation materials that come back above 100 ppm are to be hauled to an approved solid waste disposal facility based upon the facility’s approval requirements.

#### ***4.2.1.2 Foundation Materials in Non-PCB-Impacted Soil Areas***

For foundation materials found in the areas of non-PCB-impacted soils (**Figure 3**), the foundation materials will be inspected for staining and odors. In the event there are staining or odors, the foundation materials will be sampled per the previous section for the potential of PCBs. If there are no stains or odors, the foundation materials will be cleaned to remove any loose soil or soil

clods and the foundation materials will be allowed to be crushed and used as fill at another parcel of the J.F. Queeny Plant.

#### **4.3 Soil, Foundation Materials, and Surface Water Disposal**

Disposal of soil, foundation materials, and surface water will be coordinated with the Environmental Consultant. Disposal, including manifesting, loading, and transportation will be conducted by a Hazardous Waste Operations and Emergency Management (HAZWOPER)-trained and certified contractor. The transporter selected to deliver the material to the disposal site and the disposal site will have the required permits and authorization to transport and dispose of soil or surface water with the analytes identified in the analytical sampling results. The Environmental Consultant designee or a designee of the property owner will oversee soil and surface water loading and verify and sign waste manifests.

Soil, foundation materials, and buried materials that meet regulatory requirements for reuse may be used on site or sent off site for reuse in accordance with applicable regulatory requirements as determined by the Environmental Consultant.

## **SECTION 5**

### **IMPORTING OF SOIL**

This Plan must be followed when importing soil for construction work. Soil management planning will include arrangements for pre-approval, importing, and staging, as described below. Soil management is required for any soil that is imported to the Site. Imported soil will be properly vetted prior to being imported. This assessment will be coordinated through the Environmental Consultant.

#### **5.1 Pre-Approval**

Sampling will be conducted for characterization to ensure the soil meets the Missouri Risk-Based Corrective Action Technical Guidance standards for a non-residential site. Soil that does not meet the prescribed non-residential standards will not be imported to the site. If soil is being imported from an undisturbed property (i.e., virgin source) that has not had any previously known commercial and/or industrial operations on the property, and this can be adequately documented, the Environmental Consultant may approve the soil without sampling the soil.

#### **5.2 Analytical Data Requirements**

At a minimum the following parameters will be analyzed for any imported soil:

- Polycyclic Aromatic Hydrocarbons (PAHs)
- Metals
- Volatile Organic Compounds (VOCs)
- Semivolatile Organic Compounds (SVOCs)
- Aroclor Polychlorinated Biphenyls (PCBs)

#### **5.3 Representative Sample Collection**

General guidance for development of a sampling strategy will be in general conformance with ASTM Standard D6009-12. Samples will be representative of all staged soil that is to be imported and therefore should be composite samples. Composite samples will include both surface grabs and soil collected across the entire depth profile using a hand auger or shovel that are mixed until visually homogeneous. The number of samples collected from staged soil is at the discretion of the Environmental Consultant.

As a general guideline, multiple representative samples will only be collected if staged soil may be reasonably segregated. The number of samples will depend on the volume of soil generated or the overall area of the excavation, heterogeneity of soil, evidence of COIs, and soil source.

- Volume/Area – This Plan does not provide a sample per unit volume of soil criteria for characterization. If staged soil is homogenous and cannot be segregated by other methods, as few samples as possible will be collected. Multiple samples will be collected if, to spatially characterize the soil pile, numerous aliquots (greater than five) are required and effective homogenization of aliquots is unreasonable.
- Heterogeneity – If staged soil displays distinctly different characteristics (e.g. a portion of the excavated area consisted of urban fill material and a portion consisted of native soil), distinctly different material may be characterized by individual samples.
- Evidence of COIs – Material that was segregated due to evidence of COIs (e.g. staining and/or odor) will be sampled independent of other staged waste soil.
- Soil Source – Soil that was generated from two separate areas will be characterized independently.
- All samples will be placed immediately on ice and shipped to the selected certified laboratory for the required analysis under proper chain-of-custody procedures.

## **SECTION 6**

### **REFERENCES**

ASTM. 2012. Designation D6009-12. Standard Guide for Sampling Waste Piles. ASTM International. West Conshohocken, PA. 2012.

USEPA. 2018A. SHW Investments II, LLC c/o Environmental Operations, St. Louis, Missouri, Environmental Covenant.

USEPA. 2018B. Former Solutia, J.F. Queeny Facility, St. Louis, Missouri, Statement of Basis

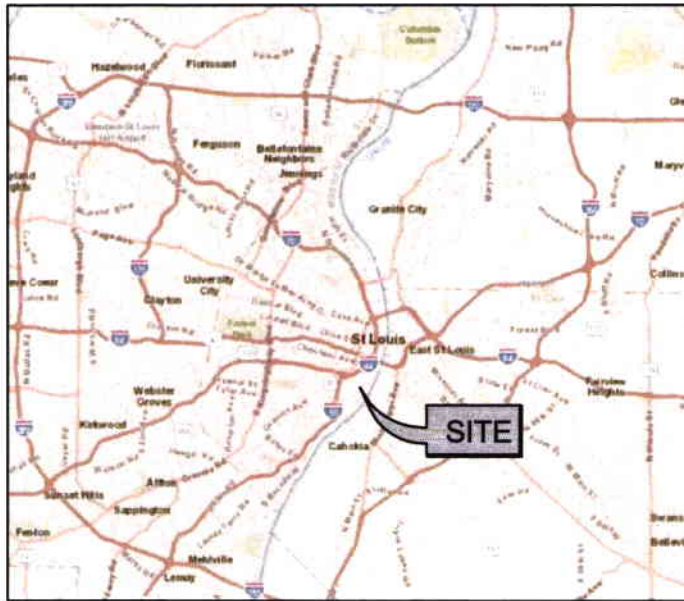
USEPA. 2018C. 29 Code of Federal Regulations 1926 Subpart P – Excavations

USEPA. 2018D. 29 Code of Federal Regulations 1910.120 Hazardous Waste Operations and Emergency Response

# FIGURES



## FIGURE 1



VICINITY MAP



PROPERTY LOCATION MAP

MISSOURI



REGIONAL MAP

**SOULARD INDUSTRIAL  
DEVELOPMENT WAREHOUSE  
201 RUSSELL BOULEVARD  
ST. LOUIS, MISSOURI**

GENERAL LOCATION MAP

**Geosyntec**  
consultants

FIGURE

1

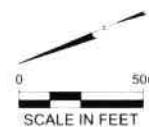
PROJECT NO: CHE8381/3

JANUARY 2019

## FIGURE 2



REFERENCE:  
- AERIAL PHOTOGRAPH OBTAINED FROM GOOGLE EARTH PRO 2016



**SOULARD INDUSTRIAL  
DEVELOPMENT WAREHOUSE**  
201 RUSSELL BOULEVARD  
ST. LOUIS, MISSOURI

PROJECT SITE MAP

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FIGURE  
2

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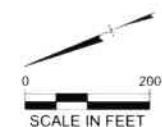
## FIGURE 3





LEGEND:

- PROPOSED SOULARD INDUSTRIAL DEVELOPMENT WAREHOUSE
- PROPOSED PARKING LOT AREA
- FORMER BUILDING LOCATIONS
- ENGINEERED BARRIER FOR PCB-IMPACTED SOILS



**SOULARD INDUSTRIAL  
DEVELOPMENT WAREHOUSE**  
201 RUSSELL BOULEVARD  
ST. LOUIS, MISSOURI

PCB CAP LOCATIONS

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FIGURE  
3

PROJECT NO: CHE8381/8 JANUARY 2019

REFERENCE

AERIAL PHOTOGRAPH OBTAINED FROM GOOGLE EARTH PRO, 2018